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United States Department of Agriculture,
FOREST SERVICE.

APPLICATIONS FOR THE CLASSIFICATION AND LISTING OF AGRICUL-
TURAL LANDS IN FOREST RESERVES UNDER THE ACT OF
JUNE 11, 1906..

1. Only lands chiefly valuable for agriculture and not needed for administrative purposes by the Forest Service or for some other public use will be classified and listed under the act.

2. Land covered with a merchantable growth of timber will not be declared agricultural except upon the strongest evidence of its value for agricultural purposes, both as to productiveness and accessibility to a market.

3. Areas known to have been occupied by actual settlers prior to January 1, 1906, will be examined first, and when such areas are found chiefly valuable for agriculture they will be listed, in order that the occupant may make entry under the act. The mere fact that a man has settled upon the land will, however, not influence the decision with respect to its agricultural character.

4. Applications for classification and listing under the act must be forwarded by mail to the Forester, Washington, D. C.

5. All applications must give the name of the forest reserve and describe the land, examination of which is requested, by legal subdivisions, if surveyed; but if unsurveyed, by reference to natural objects, streams, or improvements, with sufficient accuracy to identify the land, and when convenient by a sketch map.

6. No examination of more than one quarter-section will be ordered on the application of the same person; but if an application is withdrawn or rejected, a second application may be made for other land.

7. The question of prior right to land applied for can be determined by the Department of the Interior only, and the Forest Service will not investigate to determine whether such land is appropriated by a prior right. The applicant should satisfy himself upon this point for his own protection.

8. The first application received in Washington for any one tract is the one on which examination will be made, and all applications received in the same mail will be treated as simultaneous. Notice will be given of all simultaneous and conflicting applications.

9. The allowance of entries and the issuance of patents upon them, under the act, are entirely within the jurisdiction of the Secretary of the Interior.

10. Special attention is called to section 5 of the act, which provides that nothing therein contained shall be held to authorize any settlement after December 31, 1905, on any lands within forest reserves until such lands have been opened to settlement as provided in the act.

11. Settlement after December 31, 1905, and in advance of opening by the Secretary of the Interior, will confer no rights and will constitute trespass. Such trespassers will be ejected.

12. Special attention is called to that portion of the act which excepts from its operation certain counties of California, and its provisions relating to the Black Hills Forest Reserve in South Dakota.

GIFFORD PINCHOT,

Forester.

Approved:

JAMES WILSON,

Secretary.

WASHINGTON, D. C., *June 22, 1906.*

An Act To provide for the entry of Agricultural lands within forest reserves.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture may in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of land within permanent or temporary forest reserves, except the following counties in the State of California, Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego; which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this Act.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January first, nineteen hundred and six, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this Act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this Act shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries.

SEC. 2. That settlers upon lands chiefly valuable for agriculture within forest reserves on January first, nineteen hundred and six, who have already exercised or lost their homestead privilege, but are otherwise competent to enter lands under the homestead laws, are hereby granted an additional homestead right of entry for the purposes of this Act only, and such settlers must otherwise comply with

the provisions of the homestead law, and in addition thereto must pay two dollars and fifty cents per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands.

SEC. 3. That all entries under this Act in the Black Hills Forest Reserve shall be subject to the quartz or lode mining laws of the United States, and the laws and regulations permitting the location, appropriation, and use of the waters within the said forest reserves for mining, irrigation, and other purposes; and no titles acquired to agricultural lands in said Black Hills Forest Reserve under this Act shall vest in the patentee any riparian rights to any stream or streams of flowing water within said reserve; and that such limitation of title shall be expressed in the patents for the lands covered by such entries.

SEC. 4. That no homestead settlements or entries shall be allowed in that portion of the Black Hills Forest Reserve in Lawrence and Pennington counties in South Dakota except to persons occupying lands therein prior to January first, nineteen hundred and six, and the provisions of this Act shall apply to the said counties in said reserve only so far as is necessary to give and perfect title of such settlers or occupants to lands chiefly valuable for agriculture therein occupied or claimed by them prior to the said date, and all homestead entries under this Act in said counties in said reserve shall be described by metes and bounds survey.

SEC. 5. That nothing herein contained shall be held to authorize any future settlement on any lands within forest reserves until such lands have been opened to settlement as provided in this Act, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a forest reserve.

Approved, June 11, 1906.

